

Chapter 500 of the 2008 Laws of New York  
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**STATUS:**

**A2988-A** Weisenberg MS) Same as S 1344-A JOHNSON O

Public Health Law

TITLE....Requires certain public and private swimming facilities to retain a defibrillator and lifeguard staff trained in its use.

**CHAPTER TEXT:**

LAWS OF NEW YORK, 2008

CHAPTER 500

AN ACT to amend the public health law, in relation to requiring certain recreational swimming facilities to retain on premises at least one functional cardiac automated external defibrillator.

Became a law September 4, 2008, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivision 5-a of section 225 of the public health law, as added by chapter 215 of the laws of 1994, is amended to read as follows:

5-a. The sanitary code shall provide for the supervision of surf beaches customarily used for swimming or bathing which are owned or operated by a homeowners association by persons qualified as surf lifeguards according to standards for public surf beaches established in such code [~~for public surf beaches at surf beaches owned or operated by homeowners associations in Nassau county which are customarily used for swimming or bathing~~]. For purposes of this subdivision, "surf beaches owned or operated by homeowner associations" shall include bathing beaches owned and operated by a condominium which is property subject to article nine-B of the real property law[7]; a cooperative, in which the property is owned or leased by a corporation, the stockholders of which are entitled to use the bathing beach solely by reason of their ownership of stock in the corporation and occupy apartments for dwelling purposes [~~to use the bathing beach~~], provided an "offering statement" or "prospectus" has been filed with the department of law[7]; or an incorporated or unincorporated property association, by which all [~~of whose~~] members own residential property in a fixed or defined geographical area with deeded rights to use, with similarly situated

owners, a defined bathing beach.

§ 2. Section 225 of the public health law is amended by adding a new subdivision 5-c to read as follows:

5-c. Notwithstanding the provisions of paragraph (r) of subdivision five of this section, the sanitary code shall:

(a) provide that any public or private surf beach or swimming facility which is required by any other provision of law to be supervised by a surf lifeguard qualified according to the standards of such code, shall provide and maintain on-site automated external defibrillator (AED) equipment, as defined in paragraph (a) of subdivision one of section three thousand-b of this chapter. Such swimming facilities and staff shall be subject to the requirements and limitations of section three thousand-b of this chapter.

(b) provide that at least one lifeguard trained pursuant to paragraph (a) of subdivision three of section three thousand-b of this chapter in the operation and use of an AED shall be present during all periods of required supervision.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of sections one and two of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS

**Temporary President of the Senate**

SHELDON SILVER

**Speaker of the Assembly**

EXPLANATION--Matter in **italics** is new; matter in brackets [-] is old law to be omitted.